REGULATION No. II OF 1899.

(PASSED ON THE 5TH DAY OF APRIL 1899.)

The Mysore Military Regulation, 1899.

Whereas it is expedient to amend the Disciplinary Law applicable to the Mysore Imperial Service Troops, Her Highness the Maharani-Regent has been pleased to enact as follows:—

Sections 4 and 5 of the Standing Orders for the Mysore Imperial Service Cavalry, issued under date the 11th day of February 1897 are hereby cancelled, and in lieu thereof the following Rules for the Punishment of Crime in the Mysore Imperial Service Cavalry and Transport shall come into operation from the passing of this Regulation, which may be cited as "The Mysore Military Regulation, 1899."

RULES FOR THE PUNISHMENT OF CRIME IN THE MYSORE IMPERIAL SERVICE CAVALRY AND TRANSPORT.

PRELIMINARY.

1. [a] All officers, non-commissioned officers, sowars, sepoys, and followers of the Imperial Service Troops are subject to these Rules except on active service when they are under the same rules as laid down in the Indian Articles of War, so far as such rules can be made applicable to them. [a]

I.—DEFINITIONS.

2. The following are military offences:— Military offences.

(1) *Mutiny* is the act of two or more soldiers or followers who join together to resist or disobey lawful authority.

(2) *Violence to superiors.*—Any soldier or follower who strikes, pushes, or threatens to strike or injure any officer or non-commissioned officer of superior rank to himself, whether on or off duty, is guilty of this offence.

(3) *Insubordination* is wilful disobedience in word or deed of any lawful command given by a superior in the execution of his duty or insolence to the same.

(4) *Disobedience* is the non-compliance with any lawful command given by a superior officer (*i.e.*, officer or non-commissioned officer).

[a-a] This paragraph was subtituted for the original paragraph 1 by Regulation No. V. of 1900, s. 1.

Section 2.

(5) *Desertion* is absence without leave *with the intention* of not returning. A soldier absent without leave for two months will be considered a deserter, unless his absence can be satisfactorily accounted for.

(6) *Sentry sleeping on or quitting his post.*—A soldier quits his post when the leaves it without being properly relieved.

(7) *Seeking plunder.*—Any officer or soldier who, on active service leaves his regiment or post for the purpose of pillaging the inhabitants of the country, or without authority breaks into any place to plunder, is guilty of this offence.

(8) *Abandoning garrison or post* is the quitting or giving up by any officer or soldier of a garrison, post, or guard committed to his charge, or which it is his duty to defend.

(9) *Betraying watchword.*—A soldier who makes known the watchword or countersign to any person not entitled to receive it is guilty of this offence.

(10) *Corresponding with the enemy* is the holding of any correspondence with, or communicating any intelligence to an enemy, or the knowing of the existence of such correspondence or communication, and omitting to report the same to a superior officer.

(11) *Assisting the enemy* is the assisting or relieving of an enemy with ammunition, provisions, or money, or knowingly harbouring or protecting any enemy of, or person in arms against, the British Government.

(12) *Misbehaviour in presence of the enemy* is cowardice or casting away arms or ammunition in presence of an enemy, or using words calculated to discourage or to induce any officer or soldier to abstain from acting against an enemy.

(13) *Creating false alarm* is the spreading of a report by word or letter calculated to cause false alarm, or intentionly doing some act which will cause a false alarm.

(14) *Assaulting persons bringing provisions* is the using of force against or assaulting any person bringing in provisions or other necessaries to the camp.

(15) *Striking or forcing a sentry.*—Anybody wilfully doing an act to prevent which a sentry has been posted forces that sentry, and thus becomes guilty of this offence.

(16) *Unbecoming behaviour in an officer* is the commission of any offence, derogatory to the rank and position of an officer, and calculated to lower him in the eyes of his men.

(17) *Absence without leave.*—A soldier or follower is guilty of this offence who leaves his regiment without permission, or who overstays leave granted to him without a sufficient cause.

(18) *Releasing prisoner* is without proper authority releasing a prisoner placed under his charge, or allowing him to escape.

(19) *Drunkenness on duty* is intoxication with spirits or drugs when on or warned for any duty, or on parade or the line of march.
(*N. B.*—The line of march is the distance between the station of departure and that of destination).

Section 2.

(20) *Breaking arrest* is the leaving of quarters, place of confinement or lines without permission when under arrest, in confinement, or under punishment

(21) *Striking subordinate* is the ill-treating of any soldier or camp-follower junior in rank or position.

(22) *Extortion* is the demanding of money, goods, or position by threatening, exposure, punishment, etc., or by holding out hopes of advancement or gain.

(23) *Defiling place of worship* is intentionally doing an act in connection with a place of worship calculated to wound the feelings of those who are in the habit of using that or similar places for the purposes of religion.

(24) *Injuring or making away with horse, arms, clothing or equipment* is wilfully, or through neglect, injuring, losing, concealing, removing, selling, or delivering to any unauthorized person the horse, arm, clothings, or equipment, entrusted to the care of a soldier.

(25) *Embezzlement* is dishonestly misappropriating or converting to his own use money, provisions, forage, arms, equipment, or military stores of any kind entrusted to the charge of an officer or soldier, or dishonestly using, or disposing of such property, or dishonestly receiving or retaining any such property, knowing or having reason to believe it had been dishonestly misappropriated or converted.

(26) *Destroying Government property* is the wilful injuring or destroying of property belonging to the State, or to the Government of India.

(27) *Giving false evidence* is, after being duly sworn, or affirmed, making a false statement, knowing or believing it to be false, before a Court-Martial or other Military Court competent to administer an oath or affirmation.

(28) *Malingering* is feigning, producing, or aggravating illness or intentionally delaying cure.

(29) *Wilfully causing hurt* is the intentional injuring by a soldier or follower of himself or other person with intent to render himself or other person unfit for the service.

(30) *Theft* is the taking of an article which does not belong to the taker, without lawful permission.

(31) *Making false returns* is knowingly furnishing a false return or report, or, through design or culpable neglect, omitting or refusing to send or make a true return or report.

(32) *Other fraudulent offences* are such other acts as are done with intent to defraud, or cause wrongful loss to one person or wrongful gain to another.

(33) *Harbouring deserter* is knowingly concealing a deserter, or knowing where he is located, not giving information thereof to his Commanding Officer.

Section 2.

(34) *Failure to rejoin* is, when a soldier or follower on leave of absence having received information from proper authority that his regiment or corps has been ordered on service, failing, without sufficient cause, to rejoin without delay.

(35) *Failure to attend parade* is without sufficient cause failing to appear, at the fixed time, at the parade, or place appointed for exercise or duty.

(36) *Taking bribes* is directy or indirectly requiring, accepting, or obtaining, or agreeing to accept or obtain, for oneself or some other person, any gratification as a motive or reward for procuring the enlistment, leave, promotion, appointment, etc., of any person in the service.

(37) *Habitual drunkenness* is intoxication more than four times in three months.

(38) *Contempt of Court* is the intentional offering of any insult to a Court-Martial, or causing interruption or disturbance to a Court-Martial, or using menacing word, sign, or gesture in the presence of a Court-Martial.

(39) *Offences against Courts-Martial* are intentionally omitting to attend when duly summoned, prevaricating, refusing to take an oath, or to make affirmation, refusing to answer a question, refusing or neglecting to produce or give up any book or document ordered by the Court to be produced or given up.

(40) *Cruelty or indecency* is the committing of any offence of a cruel, indecent or unnatural kind, or attempting any such offence, or doing any act towards its commission.

(41) *Enlisting a deserter* is enlisting a person, knowing or having reason to believe that he is a deserter.

(42) *Quitting parade or line of march* is the doing so without sufficient cause, or without leave from a superior officer.

(43) *Appearing armed in camp* is appearing, when off duty, without proper authority, in or about camp, or cantonments, or in or near any bazaar, or town, carrying a sword, bludgeon, or other offensive weapon.

(44) *Writing anonymous letters* is the writing, or causing to be written, any letter or document not bearing a signature with a view to injuring the person or persons written about.

(45) *Conduct prejudicial to good order and military discipline* is being guilty of any act or omission considered prejudicial to good order and military discipline which a Court-Martial can try (*i. e.*, military offences not already specified).

(46) *Abetment* is either directly or indirectly aiding in the actual commission of a crime.

(47) *Chief Commandant* shall mean the officer entrusted for the time being with the command of the Mysore Troops.

Sections 3-4.

II.—Powers of Commanding Officer.

3. The following crimes will be dealt with by Commanding Officers, unless owing to frequent repetition, or the gravity of the offence, they think it advisable to report the matter to higher authority, in which case, they will, in making the report, give a definite expression of opinion as to what punishment, or action, they suggest— Powers of Commanding Officer.

Drunkenness.
Insubordination.
Gambling.
Striking soldiers.
Wilfully causing hurt.
Absence without leave.
Failure to attend parade.
Irregularities on guard, or sentry duty in peace time.
Neglect or maltreatment of a horse, pony, or mule.
Creating a disturbance.
Conduct to the prejudice of good order and military discipline.

4. For the foregoing offences Commanding Officers may award the following summary punishments, *viz.*—

(*a*) *Imprisonment,* with or without hard labour, to the extent of seven days. This punishment, which is to be reckoned from the time of the Commanding Officer's award, is to be carried out in the quarter-guard, prisoners' room, or cell. An award of imprisonment may be accompanied by an award of confinement to the lines, but both together must not exceed 30 days. Imprisonment.

(*b*) *Confinement to lines,* for any period not exceeding thirty days, which carries with it punishment drill to the extent of fifteen days, the taking of all duties in regular turn, attending parades, and being further liable to be employed on duties of fatigue at the discretion of the Commanding Officer. Every award of confinement to lines for fifteen days and under, is to carry with it punishment drill, which will be carried out in marching order under the supervision of a non-commissioned officer, detailed by the Adjutant for the purpose, and must never exceed two hours a day and one hour at a time. Confinement to lines.

(*c*) Deprivation of good conduct pay, either as a substantive punishment, or in addition to any other minor punishment. Deprivation of G. C. P.

Confinement to the lines or imprisonment must always be awarded in addition to forfeiture of pay for absence without leave.

(*d*) *Extra guards and duties*—These are only to be ordered as a punishment for minor offences or irregularities when on or parading for these duties and will not exceed three. Extra guards and duties.

(*e*) *Stoppages of pay* for absence without leave, but only for the number of days absent Stoppages of pay.

The stoppages for absence without leave will be made at the rate of four annas a day if the absence extends for less than a full month; for absence extending to a month the whole pay for the month will be forfeited. Stoppages will be enforced for each day, or portion of a day of absence without leave. Overstaying leave will be considered equivalent to, and will be dealt with as, absence without leave. Confinement to the lines, or imprisonment must always be awarded in addition to forfeiture of pay for absence without leave.

Stoppage of leave.

(*f*) *Stoppage of all leave* during the ensuing six months or forfeiture of the next furlough due.

Stoppages of forage allowance.

(*g*) *Stoppage of whole, or part, of any extra forage allowance,* for the current month, for all ranks that receive it. This punishment is to be reserved for cases of neglect, or maltreatment of horses, ponies, or mules. To be entered in defaulter book as a fine.

Arrest of officers.

5. Commanding Officer on receiving a complaint, or coming to the knowledge of circumstances tending to incriminate an officer, will, if he is satisfied by inquiry that it will be necessary to proceed with the case, place him under arrest, and at once report the case to the Chief Commandant for the orders of Government.

Release from arrest.

6. An officer placed under arrest by the Commanding Officer will not be released from arrest without the sanction of Government.

Punishment of non-commissioned officers.

7. Commanding Officers will award non-commissioned officers (including lance dafadars) only the following minor punishments:—

(*a*) reprimand.
(*b*) deprivation of good conduct pay.
(*c*) stoppage of any extra forage allowance.

For serious offences, non-commissioned officers should be placed under arrest, and their offences reported to the Chief Commandant. Non-commissioned officers should not be reprimanded in the presence or hearing of subordinates, lest their authority be weakened and their self-respect lessened.

Alteration of punishments.

8. No award of punishment will be increased for any one offence once the prisoner has left the Commanding Officer's presence, and no punishment once awarded will be reduced, except with the sanction of Government.

Persons to be present at investigation.

9. The Squadron Commander, Troop Commander, Troop dafadar-major and section commander will be present when a prisoner is brought before the Commanding Officer, and the man's sheet-roll will be produced by the Troop Commander in order that his previous character may be ascertained.

Record of punishments.

10. All awards of punishment will be first entered in the general defaulters' book, and then copied into the men's sheet-rolls.

PUNISHMENT OF FOLLOWERS.

Punishment of followers.

11. Followers are subject to the following punishments by Commanding Officers:—

Menial servants to—

Dismissal.	15 days' confinement to the lines.
3 days' imprisonment.	6 strokes of a cane.
	[*a*] Fines not exceeding a day's pay for each offence. [*a*]

Others to—

Dismissal.

Fines, not exceeding half their monthly pay in any one month, and not exceeding two months' pay in the year.

Transport followers.

12. Transport followers of and below the grade of dafadar-drivers are subject to the following punishments for serious offences, which will always be inquired into and dealt with by Commanding Officers:—

(*a*) *Dismissal.*
(*b*) *Imprisonment up to* 7 *days.*
(*c*) *Confinement to the lines up to* 30 *days.*
(*d*) *Extra stables, and extra inspection parades of saddlery and equipment.*

III.—POWERS OF SQUADRON COMMANDERS AND ADJUTANTS.

Powers of Squadron Commanders and Adjutants.

13. Squadron Commanders and Adjutants may award to sowars—

Ten days' confinement to the lines carrying with it punishment drill
Extra stables not exceeding half an hour at a time.
Extra inspection parades of uniform, saddlery and equipment.
Extra drill not exceeding one hour a day, for not more than three days.

Powers of officers when officiating.

14. Officers officiating as Commandants, Squadron Commanders and Adjutants are authorized to award the punishment which may be awarded by those ranks.

Transport drivers.

15. To transport drivers the Adjutant may award—

(*a*) *Ten days' confinement to the lines with extra stables.*
(*b*) *Extra stables not exceeding half an hour at a time and one hour in a day, but not exceeding six in all.*
(*c*) *Extra inspection parades (not exceeding three) of saddlery and equipment.*

IV.—POWERS OF TROOP OFFICERS.

Powers of Troop officers.

16. Risaldars, and Jamadars when in command of troops may award—

(*a*) *Seven days' confinement to the lines,*
(*b*) *Extra drill not exceeding one hour a day, for not more than three days.*

[*a*] These words were added to para 11 by Regulation IV of 1901, s. 1.

(*c*) *Extra stables not exceeding half an hour at a time and one hour in a day, but not exceeding six in all.*

(*d*) *Extra inspection parades (not exceeding three) of saddlery and equipment.*

17. Jamadars (not in command of troops) may award—

(*a*) *Three days' confinement to the lines.*
(*b*) *Extra drill, not exceeding one hour a day, for not more than three days.*

V.—RISALDAR-DRIVERS.

Of Risaldar-drivers.

18. Risaldar-drivers may award to drivers—

(*a*) *Three days' confinement to the lines with extra stables.*
(*b*) *Extra stables not exceeding half an hour at a time and one hour in a day, but not exceeding four in all.*
(*c*) *Extra inspection parades (not exceeding two) of saddlery and equipment.*

VI.—JAMADAR-DRIVERS.

Of Jamadar-drivers.

19. Jamadar-drivers may award extra stables not exceeding half an hour at a time but not more than two in all.

VII.—ASSISTANT-SURGEONS AND HOSPITAL-ASSISTANTS.

Of Assistant Surgeons and Hospital-Assistants.

20. Assistant-Surgeons may award up to 15 days' and Hospital-Assistants up to 10 days' confinement to the hospital compound to hospital servants; all punishments so awarded must be reported on the following morning to the Commanding Officer.

VIII.—POWERS OF OFFICERS IN COMMAND OF DETACHMENTS.

Powers of officers in command of detachments.

21. Commanding Officers may, if they consider it desirable and necessary, authorise any officer, of whatever rank, who may be in command of a detached party, or outpost, to award any or all of the minor punishments which the Commanding Officer of a regiment may award (under Section IV), notifying their action to the Chief Commandant for the information of Government.

22. All awards by Squadron Commanders, Troop and Transport officers must be reported to the Adjutant in writing, for entry in the general defaulters' book and submission to the Commanding Officer.

IX.—POWERS OF CHIEF COMMANDANT.

Summary powers of C.C.

23. The following punishments may be awarded by the Chief Commandant.

(*a*) To non-commissioned officers—

(1) Reprimand.
(2) Loss of standing.

(3) Reduction to the ranks, or to a lower grade.

(4) Imprisonment up to 28 days, with or without hard labour, but no non-commissioned officer can be awarded imprisonment without first having been reduced to the ranks.

(*b*) To sowars, and all followers—

(1) Imprisonment up to 28 days, with or without hard labour.

(2) Dismissal, but in the case of a sowar or sepoy, only if he has less than five years' service.

(*c*) To Risaldar and Jamadar-drivers of transport—

(1) Reprimand.

(2) Reduction to a lower grade.

(3) Fine not exceeding half the pay for any one month, and not exceeding three months' pay in any one year.

(4) Dismissal.

24. An officer can be reprimanded, but connot otherwise be punished by the Chief Commandant.

Cases how to be dealt with by C. C. . ...

25. Should the Chief Commandant consider that an officer has committed an offence for which a reprimand is not a sufficient punishment, he will report the case for the orders of Government.

26. Should the Chief Commandant come to the conclusion that an officer who is accused of an offence has erred through incapacity rather than with intention, he should, in forwarding the case for the orders of Government, give reasons for the conclusion he has come to.

Summary discharge of men who have re-enlisted.

27. The Chief Commandant is empowered to discharge summarily any person, of whatever rank, who may have enlisted without declaring his previous service, whether in the British (Native) Army, in an Imperial Service Corps or in the military service of any State.

X.—Investigation of charges.

Investigation of charges.

28. When an accusation is made against any officer or non-commissioned officer, or when any serious charge is preferred against, or any serious crime committed by, any person subject to these Rules, an immediate report is to be made to the Chief Commandant for his information.

29. The Chief Commandant will thereupon arrange to personally investigate the case. Provided that should he be unable to make such personal investigation within the 48 hours prescribed by the following Rule (30) he shall forthwith transfer the case for the disposal of such officer as may be appointed in that behalf by general or special order of Government.

30. Not more than 48 hours (Sunday and the weekly holiday excluded) must be allowed to elapse between the receipt of the report and the investigation of the case.

31. The Commanding Officer is responsible that, when such cases are brought up for investigation, they are brought as complete as possible, and that all witnesses, both those for and those against the offender are present.

Disposal after investigation.

32. After the investigation has been completed, the Chief Commandant will either—

(1) Punish the offender (under paragraph 23) or
(2) Report the case to Government for orders.

33. All punishments awarded by the Chief Commandant will be duly entered in the general defaulters' book and in the sheet-rolls.

34. (*a*) The Chief Commandant is not authorized to cancel, remit or reduce any summary award of punishment made by a Commanding Officer in accordance with these Rules without the approval of Government.

(*b*) All cases, in which the Chief Commandant may be of opinion that the Regimentdar's recommendations should not be accepted, shall be submitted by the Chief Commandant for the orders of the Government in the following form :—

Date and No. of Regimentdar's recoemmndation.	Brief statement of facts.	Regimentdar's recommendations.	Chief Commandant's opinion.	Orders of Government.

All such references will be returned to the Chief Commandant with the order of Government duly entered in the last column.

35. By an executive order, the Government may, at any time, add to, modify, or cancel any of the powers specified in paras 3 to 34 of these Rules, and provide for their exercise by such officer and in such manner as it may from time to time think fit.

XI.—COURTS-MARTIAL.

Court Martial.

36. [*a*] The procedure to be observed for assembling and composition of courts-martial on service will be the same as that laid down in the Indian Articles of War. [*a*]

Composition.

37. In time of peace a Court-Martial under these Rules will consist of a President not under the rank of Squadron Commander and two officers as members. For the trial of an officer, the number of members will ordinarily be four, of whom at least two should be senior to the prisoner, and, if possible, the remainder should be of equal rank to the prisoner. Provided that where four officers are not present and available, two will suffice.

[*a-a*] This paragraph, was substituted for the original paragraph 36, by Regulation No. V of 1900, s. 2.

Sections 38-48.

38. A Court-Martial will be convened by the Chief Commandant with the sanction of Government. The proceedings will be confirmed by Government. By whom convened.

39. Courts-Martial will only be resorted to in case of serious offences, or when it is found that milder measures have not had the desired effect, eor when it is thought desirable in the interests of discipline that an example should be made.

40. When application has been made for a Court-Martial to be assembled, no witness is to be allowed to leave the station except in case of severe sickness, or public emergency. The death or absence of any material witness is to be immediately reported to the Chief Commandant for the information and orders of Government.

41. An officer employed on Court-Martial duty is not to be allowed to leave the station until the sentence of the Court-Martial is confirmed, except with the special sanction of Government.

42. A prisoner ordered for trial by Court-Martial must have the charge or charges on which he is to be tried read over and carefully explained to him at least 24 hours before the trial commences, and he will at the same time be called upon to give the names of the witnesses whom he desires to be called in his defence.

43. No man can be tried by Court-Martial on a charge of which he has already been acquitted or convicted by a Civil Court or a Court-Martial.

44. No person will be tried or punished by a Court-Martial for any military offence after the expiration of three years from the date of the commission of that offence unless the offender, by reason of absence or of some other manifest impediment, could not be arrested or confined or brought to trial within that period, in which case he will be liable to trial at any time not exceeding two years after such impediment shall have ceased. Statute of limitation.

45. Members will take their places in Court by seniority, and on a vote being taken, the President will call on the junior to give his vote first, and then in rotation to the senior member, the President himself voting last. No written record will be kept of the votes of the different members. Precedence of Members of Courts-Martial.

46. A munshi to keep a record of the proceedings in writing, will be in attendance, and will be solemnly affirmed, but will not be a member of the Court or take any part in the proceedings. Proceedings to be recorded by Munshi.

47. When being tried by Court-Martial, an officer or a non-commissioned officer should be placed under the custody of an officer or a non-commissioned officer of equal or superior rank.

48. The Adjutant, or other specially appointed officer will act as prosecutor. It is his duty to see that all witnesses are present, and that those for the prosecution give evidence bearing on the case; also that all documents required in the case are laid before the Court. Prosecutor.

Sections 49-54.

XII.—PROCEDURE OF COURTS-MARTIAL.

Procedure of Courts-Martial.

49. At a trial by Court-Martial, as soon as the Court is assembled, the names of the President and members shall be read over in the presence of the prisoner, each one answering to his name. The prisoner shall then be asked whether he objects to be tried by any of the officers composing the Court. If any objection is made, the prisoner's objection and the explanation of the officer concerned shall be heard and recorded by the munshi on a separate sheet of paper, and the Court will then, in the absence of the challenged officer and the prisoner, decide the objection. If found valid, the Court will adjourn and report the case to the Chief Commandant who will appoint another officer as member. If the objection is not found valid, the Court will proceed with the trial of the prisoner.

Oaths.

50. The president and members of the Court will then make the following solemn affirmation:—

"I,_____, solemnly affirm in the presence of Almighty God that I will duly administer justice without partiality, favour, or affection, and, if any doubt shall arise, then according to my conscience, the best of my understanding, and the custom in like cases, and that I will not divulge the sentence of the Court until it shall be published by authority; and further that I will not disclose or discover the vote or opinion of any particular member of the Court unless required to give evidence thereof by a Court of justice or a Court-Martial in the due course of law."

51. The munshi will make the following solemn affirmation:—

"I,_____ _____, solemnly affirm in the presence of Almighty God that I will faithfully write the record of the proceedings of this Court, and that I will not divulge the sentence until it shall have been published by authority; and further that I will not disclose or discover the vote or opinion of any member of the Court unless required to give evidence thereof by a Court of justice or Court-Martial in the due course of law."

52. All witnesses, before being examined, will make the following solemn affirmation:—

"I solemnly affirm in the presence of Almighty God that what I shall state before this Court shall be the truth, the whole truth, and nothing but the truth."

Prisoner's plea.

53. Whether the prisoner pleads "guilty" or "not guilty" or whatever the plea may be, the Court-Martial must always take evidence regarding the charge preferred against him.*

Witnesses.

54. All witnesses who appear before a Court-Martial must be examined in the presence of all the members of the Court-Martial and of the accused.

* One witness is usually sufficient to substantiate a charge to which the prisoner has pleaded guilty.

Sections 55-63.

55. The prisoner has the right to cross-examine any witness who gives evidence in Court.

56. Witnesses are to be called before the Court separately, and must be examined separately; during the examination of a witness no other witness may be present in or within hearing of the Court.

57. Every decision of a Court-Martial must be passed by a majority of votes. Voting.

58. If the votes are equal as to either finding or sentence, the decision shall be in favor of the prisoner.

59. In all matters other than the finding or sentence, the President shall have a casting vote.

60. Except in the following cases, no prisoner can be convicted of an offence other than the offences mentioned in the charge-sheet.

A person charged with—	May be found guilty of—
(1) Desertion.	(1) Attempting to desert or Absence without leave.
(2) Attempting to desert.	(2) Desertion, or Absence without leave.
(3) Theft, or dishonest misappropriation, or criminal breach of trust, or dishonestly receiving or retaining stolen property.	(3) Any one of those offences.
(4) An offence committed under circumstances involving a higher degree of punishment.	(4) The same offence under circumstances involving a less degree of punishment.

61. When any person is convicted by a Court-Martial of any offence, the prosecutor will be required to produce evidence of any previous conviction of such person, and further a record of his general character should he be under the rank of an officer, and such evidence shall be inquired into and recorded by the Court. For this purpose the prisoner's sheet roll and a copy thereof will be laid before the Court and the latter, after having been compared with the original, will be attached to the proceedings. Evidence of character.

62. Whenever a sentence of imprisonment is awarded by a Court-Martial to an offender already under sentence of imprisonment for a limited term, the Court may award imprisonment to commence on the expiration of such previous sentence notwithstanding that the aggregate of the terms of imprisonment may exceed the limit awardable for any particular offence. Award of imprisonment to a man already undergoing imprisonment

XIII.—Confirmation.

63. The proceedings of every Court-Martial shall, after being signed by the President and members, be sent in a sealed envelope by the hand of the munshi who wrote them, to the Chief Commandant for confirmation by Government. Disposal of proceedings.

Sections 64-68.

Confirmation.

64. The confirming authority may confirm or not confirm the sentence, or may reduce the punishment awarded, or may order the Court-Martial to re-assemble to re-consider or revise their finding or sentence, or both. For this purpose a Court-Martial may only be once re-assembled.

Revision.

65. When a Court-Martial re-assembles to re-consider or to revise its finding or sentence, or both, it may take additional evidence.

66. A Court-Martial when thus re-assembled must consist of the same officers as originally served on it. If any of these are unavoidably absent and if revision cannot, in consequence, be properly carried out, the finding or sentence, or both may in such case be altered by the confirming authority.

XIV.—PUNISHMENTS.

Punishments.

67. The following are the punishments to which soldiers and followers are liable for committing military crimes:—

OFFICERS, ASSISTANT SURGEONS, AND HOSPITAL ASSISTANTS.

(1) Death.
(2) Imprisonment, * with or without hard labour.
(3) Dismissal.†
(4) Suspension from rank, pay, and allowances.
(5) Loss of standing.
(6) Reprimand or severe reprimand.
(7) Forfeiture of arrears of pay and allowances.‡
(8) Stoppages.§

NON-COMMISSIONED OFFICERS AND SOWARS.

(1) Death.
(2) Imprisonment, with or without hard labour‖
(3) Dismissal.¶
(4) Loss of standing.
(5) Reduction to a lower grade or to the ranks.
(6) Corporal punishment, not exceeding 50 lashes.¶
(7) Forfeiture of arrears of pay and allowances.‡
(8) Stoppages.§

REGIMENTAL, TRANSPORT AND HOSPITAL FOLLOWERS—

(1) Death.
(2) Imprisonment, with or without hard labour.*
(3) Dismissal.‡
(4) Corporal punishment, not exceeding 50 lashes.
(5) Fines.

68. *Death*—This sentence can only be awarded by Courts-Martial assembled [a] under these Rules [a] on service.

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* See paragraph 62.
† See paragraph 90.
‡ See paragraphs 90 and 91.
§ See paragraph 92.
‖ See paragraphs 62, 69 and 85.
¶ See paragraph 85.

[a-a] These words in sections 68, 78 and 79 were inserted by Regulation V. of 1900, s. 3.

Sections 69-77.

69. *Imprisonment.*—Sentences of imprisonment with hard labour for more than three calendar months will be carried out in the Civil Jail and will involve dismissal from the service. Officers must be sentenced to dismissal, and non-commissioned officers to reduction to the ranks *before* being sentenced to imprisonment. Sentences of imprisonment with hard labour for three months, or of any less period, and all sentences of imprisonment without hard labour, will be carried out in the regimental quarter-guard, prisoners' room, or cells.

70. *Suspension from rank, pay, and allowances.*—This sentence must never exceed three months.

71. *Loss of standing* can only be inflicted in the rank held by the prisoner at the time of sentence; thus a Risaldar or Jamadar can only be placed some places lower in, or at the bottom of, the list of Risaldars or Jamadars as the case may be.

72 *Reprimand or severe reprimand.*—This sentence will be communicated to the prisoner by the Chief Commandant in the presence of all the officers of the Imperial Service Troops.

73. *Reduction to a lower grade* or to the ranks.*—This punishment is only awardable in the case of non-commissioned officers including Lance-Dafadars.

74 *Corporal punishment* must not exceed 50 lashes. The sentence will be inflicted on parade in the presence of the regiment or detachment on the bare back with a "cat" of the following description:—length of wooden handle, 18 inches; number of cords, nine, of thin whip cords, each 24 inches long, with three knots upon each cord. When corporal punishment is inflicted, a medical officer must attend, and if during the execution of the sentence it appears to him that the prisoner is not in a fit state of health to undergo the remainder of the punishment, the whipping will be finally stopped. Sentences of corporal punishment are not to be carried into effect on Sundays, except in cases of absolute necessity.

75. *Stoppages* are only awardable as a punishment for damage to or neglect of horse or wilful injury to or misappropriation of Government property, and are recoverable at the rate of one-third of the monthly pay of the prisoner.

76. *Fines* can only be levied from followers, and must not exceed the amount of the prisoner's pay for three months. They are recoverable at the rate of one-third of his monthly pay.

77. The following offences are punishable more severely when committed on active service, than during peace time:— Punishment of certain offences.

Sentry sleeping on, or, quitting his post.
Leaving his post or party in search of plunder.
Quitting guard or party without leave.
Corresponding with the enemy.
Assisting the enemy.
Misbehaviour in presence of the enemy.

* See paragraph 85.

Creating false alarm.
Assaulting persons bringing provisions.
Striking or forcing a sentry.

Offences committed on active service.

[a-a] **78.** The following offences, when committed on active service, are punishable [a] under these Rules [a] with death or with imprisonment up to 14 years :—

Mutiny and sedition.
Violence to a superior.
Disobedience to the lawful command of a superior.
Desertion, or attempt to desert.
Re-enlistment without having been discharged.
Sentry sleeping, or quitting his post.
Sentry plundering.
Abandoning garrision or post.
Betraying watchword or countersign.
Corresponding with the enemy.
Assisting enemy.
Releasing State prisoner or enemy.
Misbehaviour in the presence of the enemy.
Seeking plunder during action.
Quitting guard.
Assaulting persons bringing in provisions.
Causing a false alarm.

79. Whenever any person is convicted [a] under these Rules [a] of the crime of mutiny, or sedition, all his property moveable and immoveable, shall be forfeited to the State, if the property be within the limits of the State, otherwise to the British Government.

Offences punishable with imprisonment up to 14 years, under these Rules.

80. The following offences are punishable under these Rules with imprisonment up to 14 years or such less punishment as the Court-Martial may award :—

Mutiny.
Violence to superiors.
Insubordination.
Betraying watchword.
Abandoning post.
Wilfully creating false alarm.

Upto two years.

81. The following offences are punishable under these Rules, with imprisonment for two years, or such less punishment as the Court-Martial may award :—

Desertion.
Unbecoming behaviour in an officer, Assistant-Surgeon, or Hospital Assistant.
Releasing prisoners.
Assaulting persons bringing provisions.
Striking or forcing a sentry.
Breaking arrest.

[a-a] These words in Sections 68, 78 and 79 are inserted by Regulation V of 1900, s. 3.

Striking subordinate.
Extortion.
Defiling place of worship.
Giving false evidence.*
Malingering.
Wilfully causing hurt.
Theft.
Making false returns.
Other fraudulent offences.
Cruelty or indecency.
Taking bribes.
Embezzlement.*
Destruction of Government propetty.*
Writing anonymous letters.
Quitting guard, post, picquet or patrol without being regularly relieved, or without leave.
Refusing to superintend or assist in making any field-work, or other military work of any description when ordered to do so
Attempting to commit suicide.
Appearing armed in camp.

82. In time of peace the following offences are punishable under these Rules with one year's imprisonment, or such less punishment as the Court-Martial may award :— **Up to one year.**

Disobedience.
Sentry sleeping on or quitting post.
Striking or forcing a sentry.
Absence without leave.
Drunkenness on duty.
Injuring or making away with horse, arms, clothing, or equipment.
Harbouring deserter.
Failure to attend parade.
Habitual drunkenness.
Contempt of and offences against Court-Martial.
Failure to rejoin.
Enlisting deserter.
Quitting parade, or line of march.
Quitting guard, or party, without leave.
Making wilfully false answer on enlistment.
Conduct prejudicial to good order and military discipline.

83. Stoppages may be awarded under these Rules in addition to other punishment for the following offences:— **Stoppages.**

Injuring or making away with horse, arms, clothing, or equipment.
Misappropriation of money or stores.
Destroying Government property.

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* See also paragraph 90.

Sections 84-90.

Dismissal.

84. Dismissal from the service may be awarded in addition to any other sentence.

Reduction.

85. A non-commissioned officer sentenced by Court-Martial to dismissal, or to corporal punishment, or to imprisonment with or without hard labour, shall be deemed to have been reduced to the ranks even though reduction may not have formed part of his sentence.

XV.—Loss of Arms.

Lose of arms.

86. In all cases of the loss of a rifle, pistol, carbine or of ball ammunition, the person or persons in whose charge it was, shall be tried by Court-Martial. It will rest with the accused to prove that the responsibility for the loss does not rest on him.

87. For all arms lost the following amount will be charged to the person or persons in fault, and the Court-Martial shall sentence the prisoner to stoppages to these amounts in addition to any other punishment awarded :—

For each Martini-Henri rifle or carbine	...	Rs. 250 0 0
For each revolver	...	„ 100 0 0
For ammunition	...	Twice its actual value.

XVI.—Desertion.

Desertion.

88. In trials for desertion the following points must be borne in mind :—

1.—*If leave has been granted to the offender and he deserts, the date of desertion in the charge will be that on which the leave expired.*

2.—*The fact of a native soldier having been struck off after two month's illegal absence does not affect his liability to trial, if afterwards apprehended, or if he surrenders.*

3.—*On any trial for desertion the accused may be found guilty of either desertion or of absence without leave, but in the latter case the period of such absence must be set forth in the finding.*

XVII.—Abetment.

Abetment.

89. Any person who abets an offender punishable under these Rules, [a] may be punished with the punishments provided for such offences.

XVIII.—Miscellaneous.

Dismissal.

90. On conviction of any one of the following offences the accused *shall be* sentenced by the Court-Martial to dismissal from the service *and* to forfeiture of all arrears of pay and allowances, *in addition* to any other punishment awarded:—

Embezzlement.
Destruction of Government property.
Giving false evidence.

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* See also paragraph 91.

[a] The words "or under the Indian Articles of War" in paragraph 89 were repealed by Regulation V of 1900, s. 4.

Sections 91-93.

Forfeiture of pay, etc.

91. On conviction of any offence if the accused is sentenced to dismissal from the service, or to any punishment involving dismissal, he may further be sentenced to forfeit, if the Court-Martial shall so direct, all or any arrears of pay and allowances due to him or such portion thereof as may be required to make good any proved loss or damage arising out of his offence.

Stoppages.

92. A Court-Martial may, in addition to any punishment (except dismissal, or a punishment involving dismissal), sentence any person to be put under stoppages until any loss or damage arising out of his offence, be made good.

93. The Government may by an executive order apply the whole, or part, of the foregoing rules to the Local Service Troops.

APPENDIX A.

FORM OF ORDER CONVENING COURT-MARTIAL.

General orders by
Chief Commandant_____

In accordance with instructions received from Government_____a Court-Martial composed as under will assemble in the Regimental Durbar-Room of the_____for the purpose of trying No._____and such other prisoners as may be brought before it:—

PRESIDENT.

_____

MEMBERS.

_____

_____

_____

_____

The prisoner will be warned and all witnesses duly required attend.

(Sd.)_____

Chief Commandant.

N. B.—The names, rank and corps of the President and members to be entered in full.

Appendix.

APPENDIX B.

Form of Charge Sheet.

The prisoner No._____

is charged with :—

1st charge_____*_____

_____

in that

_____ † _____

_____

2nd charge_____*_____

in that

_____†_____

(Signed)_____

Chief Commandant.

_____

_____

_____

* Here state heading of charge as shown in italics in paragraph 2.

† Here state the particulars thus :—

First charge—insubordination

in that

At Agra on the 20th June 1890, when ordered by his superior officer, Haur Sham Singh, to lay out his kit for inspection, he said : "I have already had my kit inspected once to-day, and I won't lay it out again" or words to that effect.

APPENDIX C.

FORM OF PROCEEDINGS OF A COURT-MARTIAL.

(To be written on one side of the paper only.)

Proceedings of a Court-Martial held at_____
on the_____day of_____189——, convened by order
of_____

_____

PRESIDENT.*

_____

MEMBERS.*

_____

_____

_____

_____

At_____ o'clock A. M./P. M. the Court opens for the trial of
No._____

Imperial Service_____*

_____

Munshi (or Babu)_____

_____

is present to write the proceedings of the Court.

The order convening the Court is read and attached to the proceedings. (Appendix A.)

The prisoner named above is brought before the Court †

The names of the President and members are read over in the hearing of the prisoner, and they each answer to their names as they are read out.

_____

* The rank, name and corps of the President and of each of the members and also of the prisoner, should be entered in full.

† The prisoner and his escort only are brought before the Court and not any of the witnesses. The witnesses should remain outside, out of hearing of what takes place in Court, and be called in one by one as required. See para 56.

Appendix.

Question 1.—By the President to the prisoner :—

Do you object to be tried by me as President, or by any of the officers whose names you have heard read over ?

*Answer 1 —The prisoner replies :—**

The President and members make solemn affirmation.†

The Munshi makes solemn affirmation.‡

The charge sheet is read, carefully explained to the prisoner, and ched to the proceedings. (Appendix B.)

Question 2—By the President, to the prisoner :—

Are you guilty, or not guilty, of the (first) charge ?

Answer 2.—The prisoner replies :—

Question.—Are you guilty, or not guilty, of the second charge ?

Answer.—The prisoner replies :—

* Should the prisoner object to the President or to any member or members the rules laid down in para 49 should be observed.

† See para 50.

‡ See para 51.

Note.—Every question and answer should be numbered consecutively. The prisoner should be asked to plead guilty, or not guilty, to each one of the charges for which he is being tried.

(*Rank*) _____

appears as prosecutor, and proceeds to call witnesses.*

First witness for the prosecution :

No. _____

_____

having made a solemn affirmation states † :—

The prisoner declines to cross-examine this witness

or

Cross-examined by the prisoner, the witness states ‡ :—

Cross-examined by the Court the witness states § :—

The witness withdraws.

Second witness for the prosecution :

No. _____

_____

having made solemn affirmation states ‖ :—

The witness withdraws.

The prosecution is closed.¶

DEFENCE.

The prisoner, being called to state what he has to urge in his defence, or in mitigation of punishment, states :—

_____

*See para 48. The rank, name and corps of the prosecutor and of each witness should be entered in full.

† The evidence given should be taken down as nearly as possible in the witness's own words. See para 54.

‡ When the witness has completed his statement, it should be read over to him in order that it may be corrected, if necessary. The prisoner will then be allowed to cross-examine the witness, should he wish to do so. (See para. 55.) Should he not wish to do so, it must be recorded that he declined to cross-examine.

§ Any number of questions bearing on the original evidence given by the witness may be put by the prisoner and the Court. All the replies must be recorded in full.

‖ The evidence of each witness will be recorded on a separate sheet of paper in the same manner as prescribed for the first witness. Additional sheets to be added, as may be necessary.

¶ When all witnesses for the prosecution have been examined, the prosecution will be closed and the prisoner will be called upon to state what he wishes to say in his defence. This statement should be recorded word for word.

Appendix.

First witness for the defence:

No._____

having made solemn affirmation states *:—

Cross-examined by the prosecutor, the witness states:—

The witness withdraws.

The Court is closed to consider its finding.†

FINDING.‡

The Court find that the prisoner No._____

is *guilty* (or *not guilty*, as the case may be) of the first charge, is *guilty* (or *not guilty*) of the second charge.

PROCEEDINGS BEFORE SENTENCE.§

The Court is re-opened and the prisoner is again brought before it.

The prosecutor ||_____

is solemnly affirmed, and replies to the following questions put to him by the President:—

Question.—What character does the prisoner bear, and what is his service?

Answer.—I produce a true copy of his sheet-roll, which shows that his character is_____, and that he has_____years _____months' service. *The copy is compared with the original sheet-roll and is then attached to the proceedings.*

* See para 42. If the prisoner has any witnesses to call to speak in his defence or as to his character, their evidence will be recorded in exactly the same manner as in the case of witnesses for the prosecution. The prosecutor will be allowed to cross-examine all the witnesses called by the prisoner.

† All but the Members of the Court and the Munshi will now leave the room, and be sent beyond ear-shot of what is said inside.

‡ See paras 58 and 60. A separate finding of guilty, or not guilty, must be recorded for each one of the charges, should there be more than one.

§ See paragraph 61.

|| The rank, name and corps of the prosecutor to be entered in full.

Appendix.

Question.—Is the prisoner before the Court the person referred to in this sheet-roll?

Answer.—Yes.

Question.—How long has the prisoner been under arrest (or in confinement) on account of the charges for which he is now being tried?

Answer.—_____days.

The prisoner declines cross-examining this witness.*

The witness withdraws. The Court is closed to consider the sentence.

SENTENCE.†

The Court sentence the prisoner No._____

to be _____

Signed at _____ on the _____ day of _____ 189—.

_____ *President.*

_____ } *Members.*

.....Munshi (or Babu), by whom the proceedings were recorded.

* The prisoner may cross-examine this witness, should he wish to do so.

† The prisoner will be marched back to the lines and the witnesses allowed to disperse.

‡ See para 67 *et seq.*

Appendix.

CONFIRMATION.*

(*a*) Confirmed.

(*b*) Confirmed: but I remit_____

(*c*) Not confirmed.

Signed at_____on the_____day of_____ 189—.

REVISION.

At_____on the_____day of_____189_____at_____M. the Court composed of the same members, all being present, re-assembles by order of_____for the purpose of re-considering its_____†

The Munshi is present.

The order directing the re-assembly of the Court, and the letter [*or* memorandum] giving the reasons of Government for requiring a revision of the_____† are read and attached to the proceedings.

The Court, having attentively considered the observations of the Convening Officer, does now_____

Signed this_____day of_____189—

_____*President.*

_____ } *Members.*

* See paras 63-66.

† Here enter "Finding," or "Sentence" or both "Finding and Sentence," as the case may be.